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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/808,848 | 03/15/2001 | Srinivas Gutta | US010042 | 5264 |

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EXAMINER

KIM, PAUL L

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 09/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|--------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/808,848 | GUTTA ET AL. |
| | Examiner | Art Unit |
| | Paul L Kim | 2857 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 15 March 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-19 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

4) Interview Summary (PTO-413) Paper No(s) _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Harrison.

With regard to claims 1 and 8, Harrison teaches a device for monitoring people comprising: a controller programmed to receive a monitor signal from an environmental monitor in a monitored zone (fig. 1, parts 11-16), the controller being programmed to classify an alarm condition attributed to the person to produce class data (col. 4, lines 44-49), and generating an alarm (col. 3, lines 37-41) including a portion of the monitor signal prior to or after an alarm condition (col. 3, lines 34-37).

With regard to claims 2 and 9, Harrison teaches the monitor and alarm signal including video data (col. 5, lines 2-5).

With regard to claim 3, Harrison teaches the recognition of a specific person in a monitored area and the alarm recognition of the specific person (col. 10, lines 64+). Although Harrison does not specifically mention recognition of faces, it is inherent that recognition of specific people would have to take facial features into account.

With regard to claims 4 and 5, Harrison teaches the controller programmed to solicit an action by an occupant (col. 5, lines 9-12).

With regard to claim 6, Harrison teaches the controller programmed to recognize a speaker's voice (col. 4, lines 28-30).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 10-17 and 19 are rejected under 35 U.S.C. 102(a) as being anticipated by Corn.

With regard to claim 10, Corn teaches a monitoring system comprising: a controller receiving a sensor signal (fig. 1, parts 11-16), a sensor that generates a first and second signal responsive to a caretaker and a patient (col. 2, lines 66+), and the controller generating a first and second alarm signal when they are outside a specific range (col. 3, lines 4-5).

With regard to claim 11, Corn teaches the first alarm signal including a sample of at least one of the first and second signals (col. 4, lines 32-39).

With regard to claim 12, Corn teaches the controller being programmed to generate a message to solicit an action by the caretaker signal when the first state is outside the first range (fig. 1, part 20 & col. 4, lines 32-35).

With regard to claim 13, Corn teaches a method of monitoring comprising the steps of: generating a first signal indicative of a status of a person's environment (col. 4, lines 32-35), detecting an event requiring the attention of a remote supervisor (col. 3,

lines 1-3), and transmitting at least a portion of the first signal to the remote supervisor as a result of the detecting (col. 3, lines 4-6 & col. 4, lines 35-39).

With regard to claim 14, Corn teaches transmitting an electromagnetic signal including video data (fig. 1, part 20).

With regard to claims 15 and 17, Corn teaches detecting a lapse of breathing in a person (col. 1, lines 19-25 & col. 2, lines 39-42).

With regard to claim 16, Corn teaches detecting an audio and video signal and classifying a predefined pattern from the audio and video signal (col. 3, lines 40-55).

With regard to claim 19, Corn teaches detecting a failure of a movement of the person (col. 3, lines 28-31 & col. 13, lines 17-19).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Corn.

With regard to claim 7, Harrison teaches the sensors of the monitoring system having the ability to sense variables that a user chooses to employ (col. 7, lines 5-10), but does not teach detecting a lapse of breathing in a person. Corn teaches a monitoring system that detects a lapse of breathing in a person (col. 2, lines 39-42). It

would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Harrison so that the intelligent area monitoring device can detect a lapse of breathing in a person, as taught by Corn, since the monitoring system of Harrison consists of a sound and vibration detector that can be programmed by the user to detect any variety of variables.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Corn in view of Harrison.

8. With regard to claim 18, Corn teaches the detection of breath sounds (col. 3, lines 49-51) but does not teach the recognition of human voices. Harrison teaches recognition and automatic classification of a voice (col. 4, lines 28-30). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Corn so that the monitoring device can recognize and classify a voice of a person, as taught by Harrison, since the monitoring system already has the ability to detect sounds from patients.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kutzik et al teaches a system for monitoring a user in a living area. Burton teaches a monitoring system that detects breathing of a person.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is 703-305-7468. The examiner can normally be reached on Monday-Thursday 10:00-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

PK
September 9, 2002


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
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